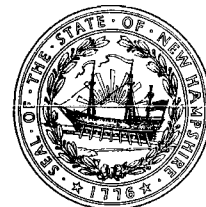




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Mike Moscato
Kensington Close Apartments
49 Technology Dr
Bedford, New Hampshire 03110

Notice of Past Violations
July 6, 2005

Dear Mr. Moscato:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On June 20, 2005, DES inspected the pool at the Kensington Close Apartments in Bedford, NH ("the Pool").

1. The inspection on June 20, 2005 revealed that the Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Pool water:
 - a. Pursuant to Env-Ws 1103.14(a)(3) the maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.

A re-inspection was conducted on June 22, 2005 by DES Staff.

During this inspection, the following deficiencies were noted:

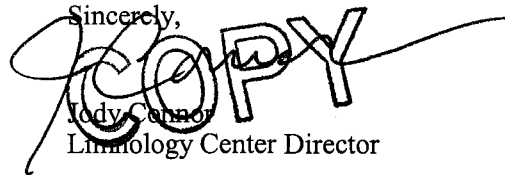
1. A recommendation to super chlorinate the Pool was issued on June 22, 2005. The inspection on June 22, 2005 revealed that the Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Pool water:
 - b. Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Pool water contained 2,440 cfu/mL.
 - c. Pursuant to Env-Ws 1103.14(a)(3) the maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.
2. Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Pool water was 0.84 mg/L on June 22, 2005.

A re-inspection was conducted on June 30, 2005 by DES staff. Testing revealed that chlorine and pH were well within acceptable limits and facility records indicated that the pool had been shocked. Bacterial analysis of the samples that were collected on June 30th showed that bacteria were not present in the pool water.

The DES believes that no further action is required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

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We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7514

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓
Tim Wilson, Public Bathing Facility Coordinator, DES
Wayne Richardson, Health Officer, Town of Bedford

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